

1 Dean T. Kirby, Jr., Bar No. 090114
2 KIRBY & McGUINN, A P.C.
3 600 B Street, Suite 1950
4 San Diego, CA 92101-4515
5 Telephone: (619) 685-4000
6 Facsimile: (619) 685-4004
7 dkirby@kirbymac.com

8 Louis W. Diess, III
9 McCARRON & DIESS
4900 Massachusetts Ave., N.W., Suite 310
Washington, D.C. 20016
Telephone: (202) 364-0400
Facsimile: (202) 364-2731
ldiess@mccarronlaw.com

10 Attorneys for Plaintiff

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 CHIQUITA FRESH, N.A., L.L.C.

14 Plaintiff

15 v.

16 SAMMY'S PRODUCE, INC., et al

17 Defendants

Civil Action No: 08-CV714 JLS(POR)

18 **PROOF OF SERVICE**

19 I, Tina Floros, declare under penalty of perjury that the following facts are true
20 and correct:

21 I am a resident of the State of California and over the age of 18 years and not a
22 party to or interested in the within entitled cause. I am an employee of KIRBY &
23 McGUINN, A P.C., and my business address is 600 B Street, Suite 1950, San Diego,
24 California 92101. On May 2, 2008, I served the following document(s):

25
26 **1) FIRST AMENDED COMPLAINT (To Enforce Payment from Produce Trust)**
27 **by**
28

- 1 ■ **MAIL:** by placing a true copy(ies) thereof in a sealed envelope(s) in the
2 outgoing mail tray located in my office for deposit in the United
3 States mail, with postage fully prepaid, addressed as shown below.
4 I am readily familiar with the business practice at my place of
5 business for collection and processing of outgoing mail with the
6 U.S. Postal Service that same day in the ordinary course of
7 business.
- 8 □ **PERSONAL SERVICE:** by personally serving by hand-delivery, via the
9 same in an envelope(s) addressed as shown below:
- 10 □ **OVERNIGHT DELIVERY:** by enclosing, a true copy(ies) in a sealed
11 Federal Express/Overnite Express envelope(s) addressed as
12 shown below.
- 13 □ **VIA FACSIMILE:** by transmitting via telefax to the number(s) shown
14 below:

15 Sammy's Produce, Inc.
16 1635 Rosencrans Street, Suite D
17 San Diego, CA 92106

18 Yan Skwara
19 1635 Rosencrans Street, Suite D
20 San Diego, CA 92106

21 Samuel V. Nucci
22 1635 Rosencrans Street, Suite D
23 San Diego, CA 92106

24 Darin Pines
25 1635 Rosencrans Street, Suite D
26 San Diego, CA 92106

27 I declare under penalty of perjury under the laws of the United States that the
28 above is true and correct.

Executed on May 2, 2008, at San Diego, California


Tina Floros